

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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BERKS COUNTY EMPLOYEES' RETIREMENT :  
FUND, on behalf of itself and others similarly :  
situated shareholders of First American Corporation, : Civil Case No. 08-CV-5654 (LAK)  
Plaintiff, :  
v. :  
FIRST AMERICAN CORPORATION, FIRST :  
AMERICAN EAPPRAISEIT, LLC, PARKER S. :  
KENNEDY, FRANK V. MCMAHON, DENNIS J. :  
GILMORE, ANTHONY R. MERLO, JR., and :  
DAVID J. FELDMAN, :  
Defendants. :  
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PLEASE TAKE NOTICE that, upon the accompanying Declaration of Richard F. Hans, dated April 21, 2010, with annexed exhibits, and all prior papers and proceedings had herein, non-party Vicky Hamilton will move this Court, before the Honorable Lewis A. Kaplan, at a date and time to be determined by the Court, for an order quashing the Subpoena *Ad Testificandum* in a Civil Case issued to Vicky Hamilton dated March 24, 2010, and granting such other and further relief as the Court deems appropriate.

PLEASE TAKE FURTHER NOTICE that, pursuant to the Individual Practices of the Honorable Lewis A. Kaplan, opposition papers, if any, shall be served on undersigned counsel on or before April 23, 2010.

Dated: New York, New York  
April 21, 2010



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*Attorneys for non-party Vicky Hamilton*